

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

SONIA HERNANDEZ, AND FREDDY
HERNANDEZJR.,

Defendants.

4:14CR3114

ORDER

The government has moved to continue the trial currently set for January 25, 2016. (Filing No. 104). As explained in the motion, a change of plea hearing for co-defendant Freddy Hernandez is scheduled to be held on February 17, 2016, and until that anticipated plea is accepted, the possibility remains that both defendants may go to trial. Defendants should be tried together. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) The government's motion to continue, (filing no. 104), is granted.
- 2) **As to both defendants**, the trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on March 7, 2016, or as soon thereafter as the case may be called, for a duration of five (5) trial days. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the government's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, **as to both defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and March 7, 2016, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

January 14, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge